

LAW OFFICES OF GERARD FOX, INC.  
GERARD P. FOX (SBN 151649)  
gfox@gpfoxlaw.com  
JEFFREY Z. LIU (SBN 276849)  
jliu@gpfoxlaw.com  
1880 Century Park East, Suite 600  
Los Angeles, CA 90067  
Telephone: (310) 441-0500  
Facsimile: (310) 441-4447

Attorneys for Plaintiffs

**GOLD GLOVE PRODUCTIONS, LLC  
and RYAN A. BROOKS**

UNITED STATES DISTRICT COURT

FOR THE CENTRAL DISTRICT OF CALIFORNIA

GOLD GLOVE PRODUCTIONS,  
LLC, a California Limited Liability  
Company and RYAN A. BROOKS, an  
individual.

## Plaintiffs,

VS.

DON HANDFIELD, an individual,  
TRESSA DIFIGLIA HANDFIELD,  
an individual, RANDY BROWN, an  
individual, MICHELE WEISLER, an  
individual, CHARLES FERRARO, an  
individual, JAY COHEN, an  
individual, ROBERT LORENZ, an  
individual, UNITED TALENT  
AGENCY, INC., a California  
Corporation, THE GERSH AGENCY,  
INC., a California Corporation,  
WARNER BROS. PICTURES INC., a  
Delaware Corporation, MALPASO  
PRODUCTIONS, LTD., a California  
Corporation, WARNER BROS.  
DISTRIBUTING INC., a Delaware  
Corporation, WARNER BROS.  
HOME ENTERTAINMENT INC., a  
Delaware Corporation, WARNER

Case No.: CV13-07247-DSF (RZx)

**DECLARATION OF GERARD FOX  
IN SUPPORT OF PLAINTIFFS'  
RULE 56(D) MOTION FOR  
CONTINUANCE IN FURTHER  
OPPOSITION TO ALL  
DEFENDANTS' MOTIONS FOR  
SUMMARY JUDGMENT,  
PLAINTIFFS' REPLY TO  
DEFENDANTS' OPPOSITION TO  
PLAINTIFFS' MOTION TO STRIKE  
DEFENDANTS' SUPPORTING  
DECLARATIONS.**

1           BROS. DOMESTIC TELEVISION                                  }  
2           DISTRIBUTION, INC., a Delaware                                  }  
3           Corporation, TW UK HOLDINGS,                                  }  
4           INC., a Delaware Corporation, and                                  }  
5           DOES 1 through 10, inclusive,    }  
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Defendants.    }  
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### **DECLARATION OF GERARD FOX**

I, GERARD FOX, declare and state:

1. I am an attorney at law, licensed to practice before all courts in the State  
of California. I am partner at the Law Offices of Gerard Fox, Inc. and counsel of  
record for Plaintiffs Gold Glove Productions and Ryan A. Brooks in this case. I  
make this declaration in support of Plaintiffs' Reply to Defendants' Opposition to  
Plaintiffs' 56(d) motion for a continuance and Plaintiff's Reply to Defendants'  
Opposition to Plaintiffs' Motion for Partial Summary Judgment. I have personal  
knowledge of each and every fact stated in this declaration.

2. I would like to take the depositions of all declarants that have provided  
sworn declarations for the Defendants. Additionally, based on the findings of the  
forensic experts Trevor Reschke, *See* DN 130 (specifically that the floppy disks  
produced by the Defendants contain inconsistent system information, manipulated  
date time stamps, signs of file wiping, and indications of abnormal activity), and  
Larry Stewart, *See* DN 172 (specifically that elevated levels of phenoxyethanol were  
found during his forensic analysis, indicating that the physical evidence produced by  
the Defendants was manufactured, and subsequently his reporting having the time  
needed to conduct further forensic analysis cut short by the Defendants), I would like  
to have further forensic examination completed on the physical evidence that the  
Defendants have produced. Additionally, Plaintiffs are preparing to serve subpoenas  
on the manufacturers of the floppy disks and the notebooks produced by the

1 Defendants and will require time to complete this discovery.

2       3. Attached as Exhibit A to this declaration please find a true and correct  
3 copy of an e-mail, dated October 14, 2013 sent by me to all Counsel regarding  
4 Plaintiffs' expectation for a Rule 26(f) conference.

5       4. Attached as Exhibit B to this declaration please find a true and correct  
6 copy of a letter, dated January 21, 2014 from Matt Kline regarding Defendants'  
7 position on a Rule 26(f) conference.

8       5. Attached as Exhibit C to this declaration please find a true and correct  
9 copy of an e-mail, dated November 8, 2013, from Matt Kline indicating that the  
10 Warner Defendants would be seeking summary judgment.

11       6. Attached as Exhibit D to this declaration please find a true and correct  
12 copy of an e-mail, dated November 13, 2013, sent by me requesting access to  
13 physical evidence from the Defendants.

14       7. Attached as Exhibit E to this declaration please find a true and correct  
15 copy of a letter, dated November 18, 2013, sent by my associate Jeffrey Liu  
16 regarding the need for examination of physical evidence produced by the Defendants.

17       8. Attached as Exhibit F to this declaration please find a true and correct  
18 copy of an e-mail, dated November 19, 2013, sent by my associate Jeffrey Liu  
19 following up with the need for examination of physical evidence produced by the  
20 Defendants.

21       9. Attached as Exhibit G to this declaration please find a true and correct  
22 copy of an e-mail, dated November 25, 2013, sent by my associate Jeffrey Liu  
23 scheduling the time for forensic examination of physical evidence produced by the  
24 Defendants.

25       10. Attached as Exhibit H to this declaration please find a true and correct  
26 copy of a letter, dated December 17, 2013, sent by Matt Kline regarding the  
27 rescheduling of Randy Brown's deposition and a new set of physical evidence.

28       11. Attached as Exhibit I to this declaration please find a true and correct

1 copy of an e-mail, dated December 18, 2013, sent by my associate Jeffrey Liu  
2 scheduling the time for forensic examination of a second set of physical evidence  
3 produced by the Defendants.

4       12. Attached as Exhibit J to this declaration please find a true and correct  
5 copy of an e-mail, dated January 7, 2014, sent by my associate Jeffrey Liu regarding  
6 the cut-off of an examination period for the analysis of physical evidence produced  
7 by the Defendants.

8       13. Attached as Exhibit K to this declaration please find a true and correct  
9 copy of a letter, dated January 17, 2014, sent by my associate Erika Morris regarding  
10 the unilateral noticing of depositions of Plaintiffs' expert witnesses.

11       14. Attached as Exhibit L to this declaration please find a true and correct  
12 copy of an e-mail, dated November 13, 2013, sent by me requesting the depositions  
13 of Defendants Randy Brown, Michelle Weisler and Robert Lorenz.

14       15. Attached as Exhibit M to this declaration please find a true and correct  
15 copy of an e-mail, dated November 20, 2013, sent by me again requesting the  
16 deposition of Defendant Michelle Weisler.

17       16. Attached as Exhibit N to this declaration please find a true and correct  
18 copy of an e-mail, dated January 5, 2014, sent by me again requesting the deposition  
19 of Defendant Michelle Weisler.

20       17. Attached as Exhibit O to this declaration please find a true and correct  
21 copy of a letter, dated January 21, 2014, sent by Matt Kline denying the need for  
22 Defendant Michelle Weisler's deposition.

23       18. Attached as Exhibit P to this declaration please find a true and correct  
24 copy of an e-mail, dated January 27, 2014, sent by Matt Kline again denying the need  
25 for Defendant Michelle Weisler's deposition.

26       19. Attached as Exhibit Q to this declaration please find a true and correct  
27 copy of an e-mail, dated February 6, 2014, sent by Matt Kline providing deposition  
28 dates for Defendant Michelle Weisler and Erich Speckin less than a week prior to the

1 hearing date on February 24, 2014.

2       20. Attached as Exhibit R to this declaration please find a true and correct  
3 copy of excerpts from the transcript of the deposition of Sheril Antonio, which took  
4 place on February 7, 2014.

5       21. Attached as Exhibit S to this declaration please find a true and correct  
6 copy of excerpts from the transcript of the deposition of Larry Stewart, which took  
7 place on February 3, 2014.

8       22. Attached as Exhibit T to this declaration please find a true and correct  
9 copy of an e-mail, dated October 11, 2013, from me to defendants' counsel indicating  
10 that I was notified that defendants' counsel had sent a correspondence to the New  
11 York Times regarding this litigation.

12       23. Attached as Exhibit U to this declaration please find a true and correct  
13 copy of an e-mail, dated November 12, 2013, from me to defendants' counsel  
14 indicating that Plaintiffs objected to Defendants' submitted declarations.

15       24. Attached as Exhibit V to this declaration please find a true and correct  
16 copy of the undated Cosmic Entertainment *Trouble with the Curve* script.

17       25. Attached as Exhibit W to this declaration please find a true and correct  
18 copy of the public LinkedIn profile for Carrie Gadsby.

19       I declare under penalty of perjury under the laws of the State of California and  
20 the United States that the foregoing is true and correct. Executed this 17th day of  
21 February in Los Angeles, California.

22  
23 DATED: February 17, 2014

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GERARD FOX